

# BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (310) 207-3800

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (310) 820-5988

RECEIVED  
CENTRAL FAX CENTER

NOV 12 2004

## FACSIMILE COVER SHEET

Deliver to: Temica M. Davis Art Group: 2685  
Company Name: USPTO  
Facsimile No.: (703) 872-9306 Date: October 11, 2004  
From: Jonathan S. Miller, Reg. No. 48,534  
Our Docket No.: 82225P2813D3 Number of pages 16 including this sheet.  
Application: 09/405,826 Filing Date: 9/24/1999

Subject

URGENT - Response to Final Office Action

Remarks

Enclosed is the Response to Final Office Action faxed on October 11, 2004.  
Also attached are the facsimile confirmation sheets of the transmission on October 11, 2004.

Confidentiality Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (310) 207-3800 and ask for Lillian E. Rodriguez.

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 3108205988

Fax Information

Date Received:

Total Pages:

10/11/2004 7:32:31 PM [Eastern Daylight Time]

14 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

001-11-2004 04:10pm From-BSTZ LA 3108205988 T-448 P.002 F-812

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

TELEPHONE: (310) 207-3900 INTELLECTUAL PROPERTY LAW 12400 WILSHIRE BOULEVARD, 7TH FLOOR FACSIMILE: (310) 820-5088  
LOS ANGELES, CA 90025

**FACSIMILE COVER SHEET**

Deliver to: Temica M. Davis USPTO Att Group: 2685  
Facsimile No.: (703) 872-9315 Date: October 11, 2004  
From: Jonathan S. Miller, Reg. No. 48,534  
Our DocId: No. 87223P2613703 Number of pages 14, including this sheet.  
Application No.: 09/045,826 Filing Date: 5/24/2000  
Docket Due Date(s): 10/12/2004

Enclosed are the following documents:

<input type="checkbox"/> Amendment: <u>Amend.</u> (1-10 pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (in triplicate) (___ pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: (___ pgs) w/cover & abstract	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet (___ pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Certificate of Establishment	<input type="checkbox"/> Reply Brief (___ pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(a)(2)(B)
<input type="checkbox"/> Declaration & PCA (___ pgs)	<input type="checkbox"/> Request to Reexamine Previous Nonpublication Request
<input type="checkbox"/> Drawing: <u>_____</u> sheets, <u>_____</u> figures	<input type="checkbox"/> Response to Notice of Mailing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion (___ pgs)
<input type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & Prior Art (___ pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING TRANSMISSION (37 CFR 1.64)**  
I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Jonathan S. Miller 10/11/2004  
Jonathan S. Miller, Esq.

Confidential Note: The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or otherwise. This information is intended to be for the use of the recipient(s) only and is not to be distributed outside of the recipient(s). If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this transmission is prohibited. If you have received this facsimile in error, please notify us by e-mail or telephone and delete this transmission from your system. We will not be responsible for any unauthorized disclosure of the contents of this transmission.

If you do not receive the pages, or if there is any difficulty in receiving, please call: (310) 207-3900 and ask for Lilian E. Rodriguez.

PAGE 1/14 \* RCVD AT 10/11/2004 7:32:31 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-1/1 \* DNIS:8729306 \* CSID:3108205988 \* DURATION (mm:ss):05:00

## Confirmation Report - Memory Send

Time : Oct-11-2004 04:41pm  
Tel line : 3108205988  
Name : BSTZ LA

Job number : 820  
Date : Oct-11 04:36pm  
To : 1032#082225#4281333#17038729315#  
Document pages : 014  
Start time : Oct-11 04:36pm  
End time : Oct-11 04:40pm  
Pages sent : 014  
Status : OK

Job number : 820 \*\*\* SEND SUCCESSFUL \*\*\*

## BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TELEPHONE: (310) 207-3800

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (310) 820-5983

## FACSIMILE COVER SHEET

Deliver to: Tamara M. Davis, USPTO Art Group: 2685  
Facsimile No.: (703) 872-9315 Date: October 11, 2004  
From: Jonathan S. Miller, Reg. No. 48,534  
Our Docket No.: 82225P2813D3 Number of pages 14 including this sheet.  
Application No.: 09/405,826 Filing Date: 9/24/1999  
Docket Due Date(s): 10/10/2004

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment <u>After Final</u> ( <u>10</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (in triplicate) ( <u>    </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: ( <u>    </u> pgs) w/cover & abstract	<input type="checkbox"/> Petition for
<input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of <u>Examination</u>	<input type="checkbox"/> Reply Brief ( <u>    </u> pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)	<input type="checkbox"/> Request to Reconsider Previous Nonpublication Request
<input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: <u>    </u>	<input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SO/OS ( <u>    </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other <u>    </u>	<input checked="" type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)**  
I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

*Jonathan S. Miller*  
Jonathan S. Miller  
10/11/2004  
Date

**Confidentiality Note:** The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this facsimile transmission is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to the sender.

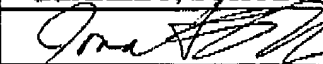
If you do not receive all the pages, or if there is any difficulty in receiving, please call: (310) 207-3800 and ask for Lillian E. Rodriguez.


FACSIMILE: (310) 820-5988

NOV 12 2004

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/405,826
		Filing Date	September 24, 1999
		First Named Inventor	Annette Wagner
		Art Unit	2685
		Examiner Name	Temica M. Davis
Total Number of Pages in This Submission	14	Attorney Docket Number	82225P2813D3

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)  Remarks	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">Facsimile Cover Sheet</div>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jonathan S. Miller, Reg. No. 48,534 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 11, 2004

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Lilhan E. Rodriguez	Date	October 11, 2004
Signature			

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 06/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$) 0.00

**Complete if Known**

Application Number	09/405,826
Filing Date	September 24, 1999
First Named Inventor	Annette Wagner
Examiner Name	Temica M. Davis
Art Unit	2685
Attorney Docket No.	82225P2813D3

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☒ None

☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	700	2001	365	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	700	2004	365	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
21	42*	0	18.00
6	9	0	88.00

Multiple Dependent

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	10	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple Dependent claim, if not paid	
1204	68	2204	44	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

\*or number previously paid, if greater. For Reissues, see below

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	820 *	1804	820 *	Requesting publication of SIR prior to Examiner action	
1805	1,840 *	1805	1,840 *	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	680	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1404	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	160	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	480	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	1809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	780	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	730	2801	365	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$)

**SUBMITTED BY**

Name (Print/Type) Jonathan S. Miller

Registration No. (Attorney/Agent)

48,534

**Complete (if applicable)**

Telephone

(310) 207-3800

Signature

Jonathan S. Miller

Date

10/11/04

Based on PTO/SPR/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman dated 02/10/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450